

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

PETE COFFEY, JR.,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-05-1086-M
	)	
CAPTAIN E. WILSON,	)	
	)	
Respondent.	)	


**ORDER**

On April 3, 2006, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that respondent's motion to dismiss be denied as moot and that respondent be ordered to respond to the second amended petition within twenty (20) days of any order adopting the Report and Recommendation. The parties were advised of their right to object to the Report and Recommendation by April 24, 2006. A review of the file reveals no objection has been filed.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on April 3, 2006;
- (2) DENIES respondent's motion to dismiss [docket no. 19] as MOOT, and
- (3) ORDERS respondent to respond to the second amended petition for writ of habeas corpus within twenty (20) days of the date of this Order.

**IT IS SO ORDERED this 9th day of May, 2006.**

  
VICKI MILES-LAGRANGE  
UNITED STATES DISTRICT JUDGE